IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Bail Appl..No. 3812 of 2007()

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CRIME NO.5/2007 OF KOTHAMANGALAM POLICE STATION

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: ACCUSED 1 & 2

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1. EBRAHIM @ OORAYI, AGED 27 YEARS
S/O.KOCHU MUAHMMEDTHENALIL HOUSE,
PAZHAKKAPPILLY KARA, MULAVOOR VILLAGE

2. SAJEEV, AGED 24 YEARS
S/O.T.C.AYYAPPAN, THOTTIYIL HOUSE
PUNNAMATTOM KARA,
ERANALLOOR VILLAGE

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.3812 of 2007**

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Dated this the 22nd day of June, 2007

**ORDER**

Petitioners are accused 1 and 2 and they face allegations under Sections 450 and 394 read with 34 I.P.C. Petitioners were arrested on 31.05.2007. They continue in custody.

2. The crux of the allegations is that on 03.01.2007, the accused persons had trespassed into the residential building of the defacto complainant and snatched away the gold ornaments worn by his wife. The petitioners are not named in the F.I.R. They had moved an application for anticipatory bail earlier, which was dismissed under Annexure-A1 order. They had surrendered on 31.05.2007 and continue to be in custody from that date. The allegedly thieved articles have been recovered on the basis of the confession statements.

3. The learned counsel for the petitioners submits that the allegations are totally false. The petitioners have acquaintance with the defacto complainant and family. There is a dispute between them regarding payment of money. False allegations have been raised for the sole purpose of vexing and harassing the petitioners. Accused No.2 has to appear for a P.S.C examination on 23.06.2007. In these circumstances, a lenient view may be taken and both accused may be released from custody, it is prayed.

4. The learned Public Prosecutor does not oppose the prayer for bail. I am satisfied, that the petitioners, who are continuing in custody from 31.05.2007, can now be enlarged on bail subject to appropriate conditions. In coming to this conclusion, the submission of the learned Public Prosecutor that the petitioners have no criminal antecedents does weigh with me considerably.

5. In the result, this application is, allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R.BASANT, JUDGE)**

rtr/-